

United States District Court

JUN 13 2015

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Omar Pena-Cardona

A 076 820 945

YOB:

PRINCIPAL

1994

LPR

Jesus Roberto Gomez

A 208 271 918

YOB:

CO-PRINCIPAL

1995

United States

Jose Angel Gomez

A 208 271 919

YOB:

CO-PRINCIPAL

1997

United States

Case Number:

M-15- 0971 -M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about June 12, 2015 in Starr County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Jenniffer Lissette Jimenez-Garcia citizen and national of El Salvador and Teresa Sandoval-Huesca citizen and national of the United Mexican States and four (4) other undocumented aliens for a six (6), who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location in Roma, Texas to the point of arrest near Roma, Texas.

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On June 12, 2015 at approximately 2:45 p.m., Aerostat operator, Border Patrol Agent (BPA) S. Garza, observed multiple subjects running north towards a Burger King in Roma, Texas. BPA Garza notified agents in the area of this activity, due to the fact that this area is notorious for contraband and human smuggling. Moments later, BPA Garza observed the same subjects entering two separate vehicles, a silver Sports Utility Vehicle and a red passenger car. Responding agents were advised of this activity and proceeded to that area. BPA Garza continued to observe these two vehicles and was able to guide responding agents to their location.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Signature of Complainant

Julio Ibarra

Senior Patrol Agent

Printed Name of Complainant

Sworn to before me and subscribed in my presence,

June 13, 2015
Dateat McAllen, Texas
City and StatePeter E. Ormsby
Name and Title of Judicial Officer

, U. S. Magistrate Judge

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-15- *0971* -M

RE:	Omar Pena-Cardona	A 076 820 945
	Jesus Roberto Gomez	A 208 271 918
	Jose Angel Gomez	A 208 271 919

CONTINUATION:

Agent L. Quiroz notified BPA Garza that he was in that immediate area and was then guided by Aerostat to the two vehicles. Once the vehicle was confirmed by Aerostat, BPA Quiroz proceeded to conduct a vehicle stop on a red Chevrolet Camaro. BPA R. Trevino additionally arrived on scene and conducted a vehicle stop on a gray Ford Explorer that was riding in tandem with the red Chevrolet Camaro. The subsequent interview of the Camaro's occupants revealed two United States Citizens and three illegal aliens. The United States Citizens in the Chevrolet Camaro were later identified as Jesus Roberto Gomez, driver, and Jose Angel Gomez, front passenger. An interview of the Ford Explorer's occupants revealed one Lawfully Admitted Permanent Resident, driver later identified as Omar Pena-Cardona, and three illegal aliens, back seat passengers.

All subjects were placed under arrest and transported to the Rio Grande City, Texas Border Patrol Station.

PRINCIPAL STATEMENTS

Once at the station, all principals were read their Miranda Rights. All principals stated that they understood their rights, and were willing to answer questions and give statements without the presence of an attorney.

1. Omar Pena-Cardona told agents that he was in Roma, Texas, on June 12, 2015, with the intention of picking up and transporting illegal aliens. Pena continued to state that he had been approached by Jesus Roberto Gomez and asked if he would transport illegal aliens with him. Pena agreed to transport the illegal aliens with Jesus Gomez and was told, by Jesus Gomez, that he would receive \$110 (USD) per illegal alien that he transported. Pena stated that he did not know where he was driving the illegal aliens. He was receiving instructions from Jose Angel Gomez, via phone, and was following Jesus Gomez. Pena stated that he was the driver of the gray Ford Explorer and that he was cognizant of the fact that it is illegal to transport illegal aliens.

2. Jesus Roberto Gomez told agents that he was in Roma, Texas, on June 12, 2015, with the intention of picking up and transporting three illegal aliens. Gomez stated that he was called the morning of June 12, 2015 by Omar Pena and asked if he would pick up three illegal aliens. Gomez continued to state that Pena said he would pick up an additional three subjects at the Burger King in Roma, Texas. Gomez agreed to pick up and transport three illegal aliens. Gomez stated that he did not know the how much he was going to be paid, only that he was going to receive half of the total amount paid. In the interview agents were informed by Gomez that this was his second time transporting illegal aliens and that he was not caught the first time he did it. Furthermore, Gomez stated that he was the driver of the red Chevrolet Camaro and that he was cognizant of the fact that it is illegal to transport illegal aliens.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

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CONTINUATION:

3. Jose Angel Gomez told agents that he was in Roma, Texas, on June 12, 2015, with the intention of picking up and transporting three illegal aliens. Gomez stated that he had traveled, with a group of friends, to Miguel Aleman, Tamaulipas, Mexico the morning of June 12, 2015. While in Miguel Aleman Jose Gomez and his brother, Jesus Gomez, were approached by an unknown individual and asked if they wanted a job transporting illegal aliens. Jose Gomez stated that they both agreed to take the job and were told that they would be paid \$150 (USD) for each illegal alien that they transported. Jose and Jesus Gomez were then informed that they would be picking up six (6) illegal aliens and were then given the location and the time for the pickup. Gomez stated that his brother Jesus Gomez was driving the red Chevrolet Camaro and that when the illegal aliens got into the vehicle he, Jose Gomez, told them to sit down. Gomez further stated that Omar Pena was driving the gray Ford Explorer and he was going to receive half of the total payment from transporting the illegal aliens.

MATERIAL WITNESS STATEMENTS:

Both material witnesses were read their Miranda rights. Both stated they were willing to provide statements without the presence of an attorney.

1. Jenniffer Lissette Jimenez-Garcia, a citizen of El Salvador, stated that she had illegally crossed into the United States on June 12, 2015, around 2:00 p.m. Jimenez-Garcia claims that her uncle had made arrangements for her with an unknown smuggler in El Salvador. Jimenez-Garcia agreed to pay \$4,000 (USD) initially and was expected to pay an additional \$4,500 (USD) later, for a total of \$8,500 (USD), to be smuggled to Houston, Texas. Jimenez-Garcia told agents that she had crossed the border with a group of approximately seven individuals. After walking for about one hour the guide of the group told her to run to towards a vehicle. Jimenez-Garcia stated that she and two other individuals entered a gray closed truck. Jimenez-Garcia was able to positively identify Omar Pena-Cardona as the driver of that vehicle through a CBP photo lineup.

2. Teresa Sandoval-Huesca, a citizen of the United Mexican States, claims to have paid \$200 (USD) initially and was expected to pay an additional \$1,500 (USD) later, for a total of \$1,700 (USD), to be smuggled to Meza, Arizona. Sandoval-Huesca illegally entered the United States on June 12, 2015 around 2:00 p.m. She further stated that she crossed with approximately five to six other individuals and walked for about one hour. Sandoval-Huesca told agents that she got into a red car with two other individuals. Once in the vehicle she saw that there was a male driver and passenger already in the vehicle. Sandoval-Huesca was unable to identify the driver of the vehicle, but was able to positively identify Jose Angel Gomez as the front passenger of that vehicle through a CBP photo lineup.